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UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARK
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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21

DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

- (1) T. Kowalski (3) _____
(2) L. Smith, SPE (4) _____

Date of Interview 9/29/03Type: Telephonic Televideo Conference Personal (copy is given to applicant applicant's representative).Exhibit shown or demonstration conducted: Yes No If yes, brief description: _____Agreement was reached. was not reached.Claim(s) discussed: All pending claimsIdentification of prior art discussed: U.S. Pat. No. 6,610,838

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The attorney stated that he wanted to ask the examiner to waive the office action and issue an other office action because he thought he was going to get a rejection. SPE Smith stated if the claims were the same and the attorney said yes. SPE Smith asked if the claims

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

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§1.133 Interviews

(b) In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111 and 1.135. (35 U.S.C. 132)

§ 1.2. Business to be transacted in writing. All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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Examiners must complete a two-sheet carbon interleaf Interview Summary Form for each interview held after January 1, 1978 where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks in neat handwritten form using a ball point pen. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, pointing out typographical errors or unreadable script in Office actions or the like, or resulting in an examiner's amendment that fully sets forth the agreement are excluded from the interview recordation procedures below.

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- Name of examiner
- Date of interview
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- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner to the contrary.)
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091508,487



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ART UNIT _____

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Date of Interview _____

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Claim(s) discussed: _____

Identification of prior art discussed: _____

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: *in the patent were drawn to nucleic acids and Atty Kowalski said no they were polypeptides the same as the above-mentioned serial number. Initially, the SPE said to Atty to send in response as far as the examiner to vacate the rejection. However, SPE Smith*

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

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Date of Interview _____

Type: Telephonic Televideo Conference Personal (copy is given to applicant applicant's representative).Exhibit shown or demonstration conducted: Yes No If yes, brief description: _____Agreement was reached. was not reached.

Claim(s) discussed: _____

Identification of prior art discussed: _____

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Retrieved the

application and found that the claims in the application were to polypeptides and the patented claims were drawn to nucleic acids. The SPE then called Attorney Kowalski back stating that the claims indeed are different and that

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Agreement was reached. was not reached.

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Identification of prior art discussed: _____

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: *any inward not have done a double patenting rejections and the SPT is in agreement with the Examiner at this point. The SPE advised that not to send in a request to vacate the action.*

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

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A. Smith

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